

## REMARKS

Reconsideration is respectfully requested.

The Examiner's rejections will be considered in the order of their occurrence in the Office Action.

### Paragraphs 2 through 4 of the Office Action

Claims 1, 2 through 5 and 8 through 10 have been rejected under 35 U.S.C. §112 (second paragraph) as being indefinite.

Claims 1 and 8 have been cancelled, and the above amendments to the claims are believed to clarify the requirements of the rejected claims, especially the particular points identified in the Office Action.

Withdrawal of the §112 rejection of claims 2 through 5 and 9 through 10 is therefore respectfully requested.

### Paragraphs 5 through 15 of the Office Action

Claims 1 through 8 and 10 have been rejected under 35 U.S.C. §102(b) as being anticipated by Donnelly et al. (U.S. 6,049,776).

Claim 2, particularly as amended, requires "computer-readable program code for causing the computer to accept a conditional offer, by the owner of the shift, to trade the shift for another shift of another employee", "computer-readable program code for causing the computer to display to other employees the conditional offer to trade the shift for another shift", and "computer-readable program code for causing the computer to receive a conditional acceptance from a second employee to trade a shift of the second employee for the offered shift of the owner of the shift".

Claim 6, particularly as amended, requires "ascertaining an identity of a potential recipient of a shift by: accepting a conditional offer, by the owner of the shift, to trade the shift for a shift of another employee; displaying to other employees the

conditional offer to trade the shift for another shift; [and] receiving a conditional acceptance from the potential recipient to trade a shift of the potential recipient for the shift offered by the owner of the shift". The claimed invention permits an employee to offer his or her shift for trade, and another employee may trade his or her shift for that shift if certain conditions imposed upon the trade are met by the proposed trade of shifts.

It is submitted that nothing in the Donnelly et al. reference teaches, or suggests, the offering by one employee of his or her shift, and the conditional acceptance of the trade by another employee for the other employee's shift, subject to various criteria required of such trades. Donnelly teaches a system in which schedules are set based upon a number of factors, but there is no process for one employee to trade his or her shift to another employee, if the trade meets certain minimum criteria.

It is therefore submitted that the prior art, and especially the Donnelly et al. reference relied upon in the rejection of the Office Action, would not lead one skilled in the art to the applicant's invention as required by claims 2 and 6. Further, claims 3 through 5, 7, and 10, which depend from these claims, also include the requirements discussed above and therefore are also submitted to be in condition for allowance.

Withdrawal of the §102(b) rejection of claims 1 through 7 and 10 is therefore respectfully requested.

**Paragraphs 16 and 17 of the Office Action**

Claim 9 has been rejected under 35 U.S.C. §103(a) as being anticipated by Donnelly (U.S. 6,049,776).

As claim 8 has been cancelled, the requirements of former claim 8 have been incorporated into claim 9 to put claim 9 into independent form.

Claim 9 requires, in part, "wherein the criteria is a length of time before a requested shift transfer".

The Office Action admits that the Donnelly et al. reference does not teach the claimed criteria being a length of time, but contains a discussion of the need for employees to give notice of their leaving employment from a business as motivation for one of ordinary skill in the art to modify the Donnelly teaching to meet the requirements of applicant's claim 9. However, the claimed invention involves merely the shifting of an aspect of the employee's work schedule (e.g., a work shift), and not the complete termination of the employer-employee relationship. It is therefore submitted that the Donnelly reference presents no compelling reason why a length of time should be required between a change in shifts and the actual occurrence of those shifts, and since changing a shift is not as serious and difficult to deal with as altogether quitting the employment, it is submitted that one of ordinary skill in the art, considering the teaching of the Donnelly reference, would not be led to modify the Donnelly system to also include a time restriction as set forth in the claims.

Withdrawal of the §103(a) rejection of claim 9 is therefore respectfully requested.

**VERSION WITH MARKINGS TO SHOW CHANGES MADE:**

**In the Claims** (bracketed parts deleted and underline parts added):

Cancel claim 1.

2. (Amended) [An article of manufacture] A system,  
comprising:

a computer with memory including stored therein a first list of employees each having a criteria of eligibility data associated therewith and a second list of work area functions each having a criteria of eligibility data associated therewith;

a computer usable code having a computer readable program code medium embodied therein for controlling the transfer of a shift change in a place of employment, the computer readable program code medium [in said article of manufacture] comprising:

computer-readable program code for causing the computer to ascertain an identity of an owner of a shift,

computer-readable program code for causing the computer to [ascertain an identity of a recipient of a shift, and] accept a conditional offer, by the owner of the shift, to trade the shift for another shift of another employee;

computer-readable program code for causing the computer to display to other employees the conditional offer to trade the shift for another shift;

computer-readable program code for causing the computer to receive a conditional acceptance from a second employee to trade a shift of the second employee for the offered shift of the owner of the shift;

computer-readable program code for causing the computer to approve the transferring of a shift of the owner to the [recipient] second employee only if the eligibility data of

the [recipient] second employee matches that of the work area function associated with the shift of the owner.

3. (Amended) [An article of manufacture] The system as set forth in claim 2 wherein the memory of the computer further includes an additional list of time shifts of each of the employees wherein each time shift has one of the work area functions associated therewith and computer-readable program code for causing the computer to allow the browsing and printing of the additional list.

4. (Amended) [An article of manufacture] The system as set forth in claim 2 wherein the memory of the computer further includes an additional list of notifications each corresponding to a unique combination of the employees and the work area functions based on the eligibility data associated therewith and further included is computer-readable program code for causing the computer to display one of the notifications from the [third] additional list which corresponds to the combination of the eligibility data of the recipient and the eligibility data of the transferred work area function.

5. (Amended) [An article of manufacture] The system as set forth in claim 2 and further including computer-readable program code for causing the computer to verify an identity of a management user and computer-readable program code for causing the computer to allow the editing of the lists only after the verification of the identity of the management user.

6. (Amended) A computer-implemented method for processing signals related to a first list of employees each having a criteria of eligibility data associated therewith and a second list of work area

functions each having a criteria of eligibility data associated therewith, the method comprising:

ascertaining an identity of an owner of a shift,

ascertaining an identity of a potential recipient of a shift [,]

by:

accepting a conditional offer, by the owner of the shift,  
to trade the shift for a shift of another employee;

displaying to other employees the conditional offer to  
trade the shift for another shift;

receiving a conditional acceptance from the potential  
recipient to trade a shift of the potential recipient for the shift  
offered by the owner of the shift; and

approving the transferring of a shift of the owner to the  
potential recipient only if the eligibility data of the potential  
recipient matches that of the work area function associated with the  
shift of the owner.

7. (Pending) A computer-implemented method as set forth in  
claim 6 and further including the step of allowing the editing of the  
lists only after the verification of the identity of the management  
user.

Cancel claim 8.

9. (Amended) [An article of manufacture as set forth in claim  
8] A system comprising:

a computer with memory having stored therein a list of  
employees;

a computer usable code having a computer readable program  
code medium embodied therein for controlling the transfer of a shift  
change in a place of employment, the computer readable program  
code medium [in said article of manufacture] comprising:

computer-readable program code for causing the computer to ascertain an identity of an owner of a shift;  
computer-readable program code for causing the computer to ascertain an identity of a recipient of a shift; and  
computer-readable program code for causing the computer to approve the transferring of a shift of the owner to the recipient only upon certain criteria being met;  
wherein the criteria is a length of time before a requested shift transfer.

10. (Amended) [An article of manufacture] The system as set forth in claim [8] 9 wherein the criteria [is] includes whether any shifts of at least one of the owner and recipient overlap.

Please add the following claims:

11. (Added) A computer-implemented method for processing signals related to trading shifts between employees, the method comprising:

accepting a conditional offer, by a first employee assigned to work a first shift, to trade the first shift for another shift of another employee;

displaying to other employees the conditional offer to trade the first shift for another shift;

receiving a conditional acceptance from a second employee to trade a second shift of the second employee for the offered first shift of the first employee; and

confirming a trade of the first shift of the first employee for the second shift of the second employee upon verification of criteria, or rejecting the trade of the first shift for the second shift upon non-verification of the criteria.

12. (Added) The computer-implemented method of claim 11 wherein the step of confirming includes checking training data associated with the second employee in a training data database, and comparing the training data associated with the second employee with training requirements associated with a work area function to be performed on the first shift to verify that the second employee is qualified to perform the work area functions associated with the first shift.

13. (Added) The computer-implemented method of claim 11 wherein the step of confirming includes checking a length of time between a time of receipt of the conditional acceptance and a time of occurrence of the first shift and the second shift against a minimum time period for trading shifts to verify that the length of time is not less than the minimum time period.

14. (Added) The computer-implemented method of claim 11 additionally including displaying to the second employee, upon confirmation of the trade, notifications relevant to the work area function of the first shift and the training data associated with the second employee.

15. (Added) The computer-implemented method of claim 11 additionally including indicating to the first employee, upon confirmation of the trade, the confirmation of the trade.

16. (Added) The computer-implemented method of claim 11 additionally including restricting access to information about the trade of the first shift for the second shift upon confirmation of the trade.

17. (Added) The computer-implemented method of claim 11 wherein the step of confirming includes checking training data

associated with the second employee in a training data database, and comparing the training data associated with the second employee with training requirements associated with a work area function to be performed on the first shift to verify that the second employee is qualified to perform the work area functions associated with the first shift;

wherein the step of confirming includes checking a length of time between a time of receipt of the conditional acceptance and a time of occurrence of the first shift and the second shift against a minimum time period for trading shifts to verify that the length of time is not less than the minimum time period;

additionally including displaying to the second employee, upon confirmation of the trade, notifications relevant to the work area function of the first shift and the training data associated with the second employee;

additionally including indicating to the first employee, upon confirmation of the trade, the confirmation of the trade; and

additionally including restricting access to information about the trade of the first shift for the second shift upon confirmation of the trade.

**CONCLUSION**

In light of the foregoing amendments and remarks, early reconsideration and allowance of this application are most courteously solicited.

Respectfully submitted,

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